

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION * ZONING COMMISSIONER
NW/S Harford Road, 25 ft. *
SW of c/1 Linwood Avenue * OF BALTIMORE COUNTY
7920 Harford Road *
9th Election District * CASE # 91-307-SPHX
6th Councilmanic District *

Fred C. Yoo, et ux
Petitioners

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioners herein request, pursuant to Petition for Special Exception, permission to use the herein described property for a full service automotive service garage and, pursuant to the Petition for Special Hearing, approval for a change in the use of 7920 Harford Road from a gasoline service station to a full service automotive garage, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, Fred Yoo, appeared and testified and was represented by Robert W. Taylor, Jr., Esquire. Also appearing on behalf of the Petitioner was Jim McKee, Civil Engineer. Appearing and testifying as Protestants were Leo Minton, Gerald Selig, Michael Amick and Linda Romans.

Testimony indicated that the subject property known as 7920 Harford Road consists of .1362 acres +/- zoned B.L.-C.C.C. and is currently improved with a one story structure that has been used as a gas station and various automobile related service enterprises.

Testimony indicated that the Petitioner is desirous of converting the subject site into a full service automotive service garage to be in operation six days per week.

The Petitioner testified that he averages five to ten vehicles per day and that the turn around on vehicles is usually one day. He indicated,

however, that some vehicles may remain on his property two to three days while awaiting parts. He indicated that the site will employ two individuals, one mechanic and one helper. Mr. Yoo testified that the garage would be open six days per week, 7:00 A.M. to 6:00 P.M. Monday thru Friday and one-half day on Saturdays. Mr. Yoo also testified that the garage would specialize in minor automotive repairs and would handle no body/fender type repairs.

Messrs. Leo Minton, Gerald Selig, Michael Amick and Ms. Linda Romans, Protestants, testified and concurred in their concerns regarding the requested relief.

The Protestants testified regarding the noise and fumes that have emanated from this site from prior owners. Mr. Minton testified that his property adjoins the subject site and that, on occasions, he has detected the odor of gasoline fumes within his home. Testimony also indicated that prior owners of this site have used Linwood Avenue as a "testing strip" for the cars that they are repairing. There are many children living along Linwood Avenue and the Protestants were concerned about their safety. The Protestants were also concerned about the noise from the running engines and the limited parking in the neighborhood.

Petitioner's Exhibit No. 1 clearly indicates there are only three available parking spaces on the subject lot. The Petitioner testified that he will have two employees on the site, leaving only one parking space for customers. The Petitioner testified that he expects five to ten vehicles per day for service, some of which may remain on the premises two to three days awaiting for parts. Linwood Avenue is a one-way thoroughfare with no on-street parking immediately adjacent to the subject site. Parking along Harford Road is limited and metered, where available.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Clearly, the Petitioner has not met this burden. The Petitioner candidly recognized the potential parking problem this site represents. The Petitioner testified that he has a similar site on Belair Road and that he could shuttle vehicles from the subject site to his Belair Road site when parking was not available. The practical application of this suggestion is questionable at best. The only on-street parking immediately adjacent to the subject property is metered parking along Harford Road. Again, the Petitioner's testimony indicated that many of those spaces are utilized by the employees of the various businesses along Harford Road. The Petitioner has simply not shown that the proposed use would be conducted without real detriment to the neighborhood without adversely affecting the public interest. The facts and circumstances clearly show that the proposed use at this particular location described on Petitioner's Exhibit No. 1 would have an adverse impact above and beyond that inherently associated with such a special exception use. (See generally, Schultz v. Pritts, 432 A2d, 1319 (1981).

The proposed use will be detrimental to the health, safety and general welfare of the locality and will tend to create congestion in the roads and streets. Granting the requested relief would be inconsistent with the spirit and intent of the B.C.Z.R. Therefore, the requested relief, pursuant to the Petitions for Special Exception and Special Hearing must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on the Petitions for Special Exception and Special Hearing held, and for the reasons given above, the relief requested should be denied

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County, this 17th day of April, 1991 that, pursuant to Petition for Special Exception, permission to use the herein described property for a full service automotive service garage, as indicated on Petitioner's Exhibit No. 1, is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, the requested approval for a change in the use of 7920 Harford Road from a gasoline service station to a full service automotive garage, as indicated on Petitioner's Exhibit No. 1, is hereby DENIED.

J. Robert Haines
Zoning Commissioner for
Baltimore County

JRH:mmn
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 4/18/91
By M. J. Smith

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 18, 1991

Robert W. Taylor, Jr., Esquire
401 Allegheny Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
Fred C. Yoo, et ux, Petitioners
Case #91-307-SPHX

Dear Mr. Taylor:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Special Exception have been denied in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmn
att.
cc: Peoples Counsel
cc: Petitioner
cc: Protestants

#274
PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-307-SPHX
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a change in the use of 7920 Harford Road from a gasoline service station to a full service automotive garage.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Same as Legal Owner (Type or Print Name)	Legal Owner(s): FRED C. YOO (Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney for Petitioner: Robert W. Taylor, Jr. (Type or Print Name)	3615 Stansbury Road Address Phoenix, Maryland 21131 City and State
Signature	Signature
401 Allegheny Avenue Address Towson, Maryland 21204 City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted ROBERT W. TAYLOR, JR. 401 Allegheny Ave. Towson, Maryland 21204 City and State
Attorney's Telephone No.: (301) 337-0900	Phone No. 337-0900

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of January, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 3rd day of April, 1991, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

E.C.O.-No. 1

(over)

mark - 1/10/91
avail anytime
est. time - 1/2 hr to 45 min

#274
PETITION FOR SPECIAL EXCEPTION
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-307-SPHX
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a full service automotive service garage.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Same as legal owner (Type or Print Name)	Legal Owner(s): Fred C. Yoo (Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney for Petitioner: Robert W. Taylor, Jr. (Type or Print Name)	3615 Stansbury Road Address Phoenix, Maryland 21131 City and State
Signature	Signature
401 Allegheny Avenue Address Towson, Maryland 21204 City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted ROBERT W. TAYLOR, JR. 401 Allegheny Ave. Towson, Maryland 21204 City and State
Attorney's Telephone No.: (301) 337-0900	Phone No. 337-0900

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J. Robert Haines
Zoning Commissioner of Baltimore County

E.C.O.-No. 1

(over)

ZONING DESCRIPTION
7920 HARFORD ROAD
NINTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point situated at the intersection of the western most right-of-way line of Harford Road, being 60 feet wide, and the southern most right-of-way line of Linwood Avenue, being 40 feet wide, thence leaving said point and running with and binding on the westernmost right-of-way line of Harford Road South 36° 07' 35" West 100.14 feet to a point; thence leaving said right-of-way line and running North 44° 42' 10" East 58.00 feet to a point; thence North 38° 23' 56" East 59.58 feet to a point being situated on the southernmost right-of-way line of Linwood Avenue; thence running with and binding on said right-of-way line South 44° 42' 10" East 58.00 feet to the point of beginning. Containing 5,931 square feet or 0.1362 acres of land, more or less. Being known as 7920 Harford Road.



91-307-SPHX

January 8, 1991

#274

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: PH Date of Posting: 3/14
Posted for: Small Exception + Hearing
Petitioner: Fred C. Yoo, et ux
Location of property: MD 3 Rd. & Rte. 25 SW Highway 11
7.224 Acres Rd.
Location of Sign: Along Highway 11, across 35th St. Roadway at
Property of R. Wilson
Remarks:
Posted by: William Date of return: 4/13/91
Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-7-91.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zebe Olson
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-8-91
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-7-91.

THE JEFFERSONIAN,

S. Zebe Olson
Publisher

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 3/12/91

Fred and Susan Yoo
3615 Stansbury Road
Phoenix, Maryland 21131

RE:
Case Number: 91-307-SPHX
80/5 Harford Road, 25' SW of c/l Linwood Avenue
7520 Harford Road
9th Election District - 6th Councilmanic
Petitioner(s): Fred C. Yoo, et ux
HEARING: WEDNESDAY, APRIL 3, 1991 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$116.34 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SIGN(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL BE VOID. DO NOT REMOVE THE SIGN & POST SIGN(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 14, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-307-SPHX
80/5 Harford Road, 25' SW of c/l Linwood Avenue
7520 Harford Road
9th Election District - 6th Councilmanic
Petitioner(s): Fred C. Yoo, et ux
HEARING: WEDNESDAY, APRIL 3, 1991 at 9:30 a.m.

Special Hearing to approve a change in the use from a gasoline service station to a full service automotive garage.
Special Exception for a full service automotive service garage.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Fred C. Yoo, et ux
Robert W. Taylor, Jr., Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
23rd day of January, 1990.

J. Robert Haines
ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Fred C. Yoo, et ux

Petitioner's Attorney: Robert W. Taylor

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 26, 1991

Robert W. Taylor, Esquire
401 Allegheny Avenue
Towson, MD 21204

RE: Item No. 274, Case No. 91-307-SPHX
Petitioner: Fred C. Yoo, et ux
Petition for Special Hearing and
Special Exception

Dear Mr. Taylor:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Fred Yoo
3615 Stansbury Road
Phoenix, MD 21131

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-4150
Number

91-307

DATE: 3/12/91
PUBLIC HEARING FEES: 116.34
POSTING FEES: 0.00
TOTAL: 116.34
CASH PAID TO COUNTY: 116.34

Please Make Checks Payable To: Baltimore County
04404#0002MICHRC \$116.04
04404#0002MICHRC \$116.04

Cashier Validation

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

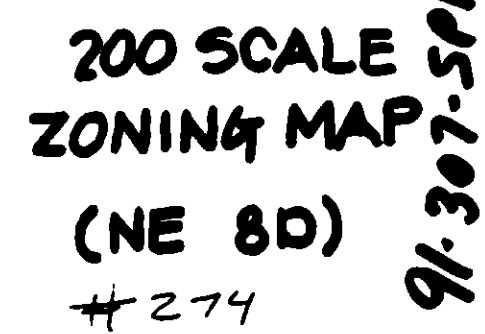
Account: R-001-4150
Number

DATE: 3/12/91
PUBLIC HEARING FEES: 116.34
POSTING FEES: 0.00
TOTAL: 116.34
CASH PAID TO COUNTY: 116.34

Please Make Checks Payable To: Baltimore County
04404#0002MICHRC \$350.00
04404#0002MICHRC \$350.00
NEXT BUSINESS DAY

Cashier Validation

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT



April 1, 1991

<u>NAME</u>	<u>ADDRESS</u>
Mrs. Leo F. Minton	2905 Linwood Ave. 81234
Angela C. Minton	2905 Linwood Ave. 21234
Marjorie E. Minton	2905 Linwood Ave. 21234
Clyde Allen J. Selig	2906 Linwood Ave. 81234
Linda Selig	2906 Linwood Ave. 21234
J. Mack Smith	2908 Linwood Ave. 21234
Joan S. Smith	2908 1/2 Linwood Ave. 21234
Helen K. Sullivan	2901 Linwood Ave. 21234
Ryan C. Sullivan	2901 Linwood Ave. 21234
Jackie Chasler	2902 Linwood Ave. 21234
M.C. Chasler	2903 Linwood Ave. 21234
R.E. Northeasthor	2914 Linwood Ave. 21234
Lillian Ottmar	2910 Linwood Ave. 21234
Mike Ottmar	2910 Linwood Ave. 21234
Christine O'Hanigan	2908 Linwood Ave. 21234
Ashley Manner	2909 Linwood Ave. 21234



PETITIONER(S) EXHIBIT C



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAMU

ADDRESS

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAM

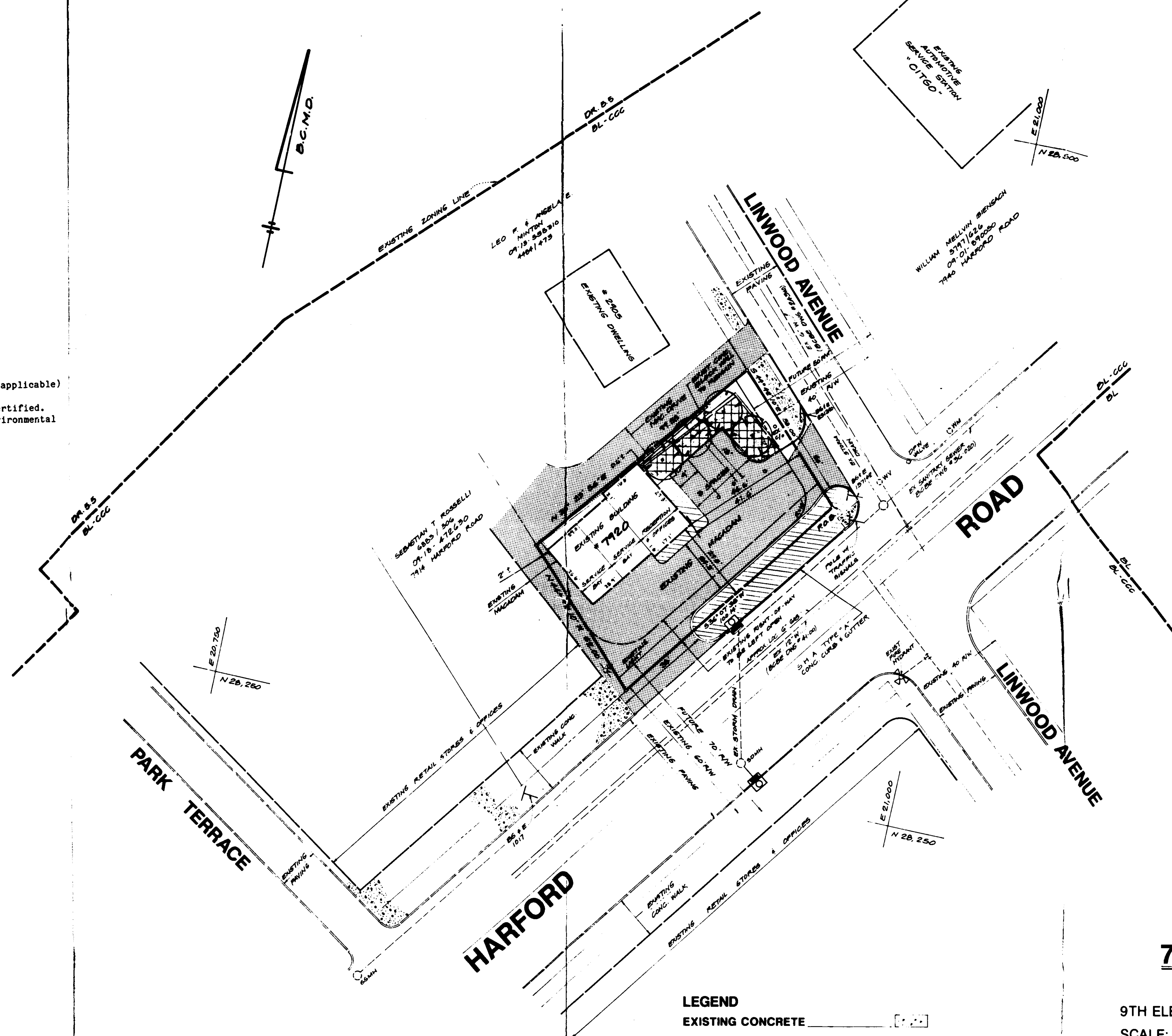
ADDRESS

GENERAL NOTES:

1. Councilmanic District: 6
2. Owners: Fred Changhee Yoo and Soung O. Yoo
3. Deed Reference: S. M. 8560/651
4. Property Account No.: 09-07-411630
5. Existing Zoning of Site: BL-CCC
6. Area Calculations:
Site Area: 5931 SF = 0.1362 Ac. ±
Highway Widening Area = 767 SF = 0.02 Ac. ±
Net Area of Site = 5164 SF = 0.11 Ac. ±
7. Floor Area Ratio (F.A.R.):
Maximum F.A.R. permitted = 4.0
F.A.R. proposed 1272.43 SF = 0.21
5931 SF
8. Amenity open space (A.O.S.):
Minimum A.O.S. ratio permitted = 0.2
A.O.S. ratio provided 705 SF = 0.55
1272.43 SF
9. Parking Tabulation:
Minimum parking spaces required = 3.3/1000 SF
Minimum parking spaces = 1.272 = 4 spaces
3.3
Number of parking spaces proposed = 5 spaces
(*Note: 2 spaces are included within the service bays)
10. Signs shall be in accordance with Section 413.2 BCZR (413.5 as applicable)
11. The existing underground fuel tanks have been backfilled and certified.
See reports on file with the Baltimore County Department of Environmental Protection and Resource Management.



VICINITY MAP
(SCALE: 1" = 1000')



PLAT TO ACCOMPANY
PETITION FOR

SPECIAL HEARING

AT

7920 HARFORD ROAD

9TH ELECTION DISTRICT
SCALE: 1" = 20'

BALTIMORE CO., MD
NOVEMBER 29, 1990

LEGEND

- EXISTING CONCRETE
- EXISTING MACADAM
- MACADAM TO BE REMOVED
- PROPOSED CONCRETE
- PROPOSED MAJOR DECIDUOUS
- AMENITY OPEN SPACE

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 527-1555

Computed by **MR**
Drawn by **JGK,JDG**
Checked by **JDG**
Job Number **90-100**

James W. McKee Date
(Maryland Registered No. 9012)

REVISION	
9/6/91	REVISED ENTRANCE AS PER S.H.A.
	COMMENTS

**PETITIONER'S
EXHIBIT 1**

91-3075PHX